

REMARKS

The election of species requirement of April 6, 2011 has been carefully studied. Applicants respectfully traverse the requirement on the grounds that all the claims are directed to a process for sequestering carbon emitted into the atmosphere in the form of CO₂ by capturing the carbon dioxide, converting it to oxalic or formic acid in the aqueous phase and then mineralizing the oxalic or formic acid with a compound of element M so as to produce a mineral in which the atomic ratio C/M is about 2/1. According to the French Search Report, the concept of mineralization (step (d)) is novel and implicates an inventive activity.

In order to comply with the restriction requirement, Applicants select subparagraphs (i) for all of the species A, B, and C. New claim 26 comprises all of the elected species, combining claims 2, 15 and 20. Regarding page 6 of the Office Action, it is seen that all the claims are directed to a single category, namely a process.

In view of this election of species, an early action on the merits of the application is courteously requested.

Amendments to the Claims

The amendments to the claims facilitate comprehension of the invention by the utilization of conventional language found in U.S. patent claims. In particular, the expression “consists of” is replaced by --comprises-- inasmuch as the latter term is an open term and the former term is generally considered restrictive. The translator of the French text into the PCT application did not appreciate that there is a difference in U.S. patent law between “consists of” and --comprises--, and since there is no substantive reason for using the restrictive “consists of” it is clear, that the latter term is a mistranslation.

If there are any questions regarding this response, the Examiner is courteously invited to telephone Counsel for Applicants at the number indicated below. If Counsel is unavailable, please contact Ms. Richardson at 703-812-5326, and she will be pleased to enlist the services of another attorney.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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